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FROM THE BARONESS GOLDIE
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10 May 2018

Dear Adam,

During the debate on the EU (Withdrawal) Bill on Tuesday 8 May, you raised a point regarding the statement of good reasons for creating an offence and the penalty provided in respect of it. I am sorry that I was unable to respond to you at the time and I promised to write to you.

As the Government set out at earlier stages in the House, the creation of criminal offences can have significant impact on people's lives and is therefore a matter which we take very seriously. Criminal offences serve to provide important protections for businesses and individuals from criminal behaviour. As such, it will be important that existing offences which relate to the EU can be amended, or comparable offences can be created, in order to ensure that we continue to deter and punish criminal conduct after exit day.

The statement published alongside any new offence created will explain why, in the relevant Minister's opinion, there are good reasons for creating the offence and for the penalty provided in respect of it. It will also ensure that where the Government is seeking to create an offence, the Minister's reasoning is clear and justified to Parliament.

Given the sensitivities of the provisions that will be sought by those instruments creating a criminal offence, the Government has committed to taking a different approach to that of the other statements required under the Bill, by making this statement available to Parliamentarians in advance of the instrument being laid. We are currently discussing how and through what means we will make this statement available to Parliamentarians. Notwithstanding this, I can confirm that the statement itself will not change.

Given that this statement will be made available in advance of the statutory instrument it was designed to accompany, we are considering whether any additional information should be provided with the statement in order for it to be most useful to Parliament and stimulate effective engagement ahead of the instrument being laid.

Anna S.

I hope you find this letter helpful. I will also place a copy in the House library.

With kind regards,
Yours sincerely,
Annabel
BARONESS GOLDIE

Lord Beith
House of Lords